

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALEXANDER S. CAMPBELL,

Plaintiff,

v.

No. 17cv892 MV/LF

CITY OF ALBUQUERQUE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL


THIS MATTER comes before the Court on *pro se* Plaintiff Alexander S. Campbell's failure to timely file an amended complaint.

Plaintiff alleged that Defendants Macias and McKay, employees of the City of Albuquerque Animal Welfare Department, issued three misdemeanor citations against Plaintiff. *See* Complaint at 3, Doc. 1, filed August 30, 2017. Defendants Macias and McKay also filed a criminal complaint against Plaintiff for the citations in Bernalillo County Metropolitan Court. Plaintiff "was not properly serviced, was not summoned, nor given a citation," and was not aware of the citations or the criminal complaint. The Metropolitan Court issued an arrest warrant for Plaintiff's failure to appear in court. Plaintiff's case has been pending in Metropolitan Court since November 3, 2016. The Metropolitan Court judge presiding over the case has rescheduled the trial date over six times due to "the failure of the City of Albuquerque to appear in court when the Plaintiff has been ready for trial [sic]." Plaintiff alleged that Defendants violated his civil rights by not giving him notice of the citations, prosecuting him without probable cause, and by violating his right to a speedy trial.

The Court dismissed Plaintiff's original Complaint without prejudice, granted Plaintiff leave to file an amended complaint and notified Plaintiff that failure to timely file an amended

complaint may result in dismissal of this case without prejudice. *See* Doc. 8 at 6. Plaintiff did not file an amended complaint by the February 16, 2018, deadline.

IT IS ORDERED that this case is **DISMISSED** without prejudice.



MARTHA VAZQUEZ
UNITED STATES DISTRICT JUDGE